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‘Boarding’ mentally ill to continue for now, despite ruling

TIMES WATCHDOG: Opponents of so-called “psychiatric boarding” decided not to push to immediately implement a court ruling that found the practice unconstitutional. Instead, they chose to wait as an appeals court considers the case.

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TACOMA — Making mentally ill residents wait in emergency rooms for treatment could continue until at least July after an agreement reached Tuesday.

Opponents of so-called “psychiatric boarding” decided not to push to immediately implement a Pierce County court ruling that found the practice unconstitutional unless the patient has an urgent medical need. Instead, the opponents chose to wait as an appeals court considers the case.

The last-minute decision averted what had been expected to be a contentious hearing in front of Superior Court Judge Kathryn Nelson, who signaled last spring she intended the ruling to take effect this month.

Instead, Nelson agreed to delay implementation until July.

“Basically, what this does is it lets the Court of Appeals make the ultimate decision,” said Ken Nichols, a Pierce County prosecutor working with the state.

Nelson ruled in May that state law requires that people who are involuntarily committed — forcibly detained to be treated — be placed in certified psychiatric facilities unless they have an urgent medical need.

She also found that boarding violates the due-process clause of the U.S. Constitution.

The case, although currently limited to Pierce County, is being closely watched because it could eventually affect the entire state.

[The Seattle Times reported in October](#) that boarding took place 4,317 times statewide in 2012 — more than double the number in 2010.

In King County, boarded residents wait an average of three days — and as long as three months — in chaotic hospital-emergency departments and ill-equipped medical rooms, untreated, often tied to beds to prevent them from hurting themselves.

State officials agree boarding is not ideal but argue it is better than leaving dangerously mentally ill people on the streets.

Washington ranks at the bottom of the country in psychiatric-treatment beds per capita, according to several recent studies.

Pierce County public defenders first questioned the constitutionality of boarding in an individual involuntary-commitment hearing early this year.

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